

REMARKS

Claims 1-3, 5-9, 11-16, and 18-23 are pending in the application.

Objection to the Specification

The Examiner has objected to the specification because of several informalities. Applicants have responded to the objection by amending the specification to correct the informalities in accordance with the suggestions of the Examiner.

In addition, the Examiner has requested a clarification of the "non-standard H.245 message format" as indicated on page 4 of applicants' specification.

Applicants agree with the Examiner that H.245 is a standard. However, H.245 does not support disconnect messages that are initiated from routers. Applicants proposed in the specification to provide this capability through use of a non-standard or enhanced version of a H.245 message as described on page 5 of applicants' specification.

Objection To the Drawings

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(5), because they do not include reference signs mentioned in the description and they include reference characters not mentioned in the description.

Applicants have responded to the objection by removing the phrase "Interface 1 of Router R1" from the specification, amending FIG. 5 to show a single IRQ query to gateway 54, and amending the specification to discuss FIG. 2 reference characters R2, R3, R4, 4, EP1 A, EP2 B and EP3. Also, Table II in FIG. 2 was amended to show data for endpoint 3 based on the VOIP Gateway data for endpoint 3 shown in Table II.

Also, the Examiner has objected to the drawings as failing to comply with 37 CFR 1.83(a), because they do not show every feature of the invention mentioned in the claims.

Applicants have responded to this objection in part by amending FIG. 3 to show an example of the socket number range and the non-standard H.245 message. However, applicants respectfully traverse that part of the objection that requires applicants to show in the drawings the type of service (TOS) in the IP packet header format because 1) a drawing of an IP packet header showing the TOS is not necessary for an understanding of the claimed invention, and 2) IP packet header formats having a field to indicate the TOS are well known in the art and are readily understood by those skilled in the art.

Rejection Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1 - 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,363,065 B1 issued to Thornton et al. on March 26, 2002.

This ground of rejection is avoided for the following reason.

Applicants have amended independent claims 1, 9, and 16 to include therein the limitations from claims 4, 10, and 17, respectively, along with an additional limitation that recites, "informing the endpoints to disconnect the new call". As a result, applicants' independent claims now require that when bandwidth is not available 1) dropping packets of any new call received by said router for the service and 2) informing the endpoints to disconnect the new call.

Thornton teaches that a gatekeeper may reject calls from a telephony endpoint due to bandwidth limitations. (See column 18, line 67 to column 19, lines 1-4.) When bandwidth limitations are exceeded the gatekeeper, in effect, refuses to make any more connections. However, in contradistinction to applicants' independent claims, as amended, the gatekeeper does **not** inform the endpoints to disconnect the call.

Thus, since there is no teaching or suggestion in Thornton of informing the endpoints to disconnect the new call, as required by applicants' independent claims, applicants' independent claims are allowable over Thornton.

Since all of the dependent claims depend from an allowable independent claim and include all of the limitations thereof, these claims are also allowable

over Thornton for at least the same reasons set forth above for the independent claims.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

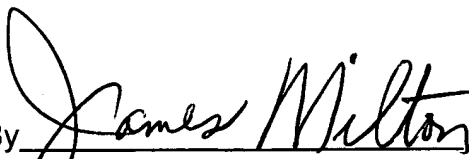
If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicants' attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Lucent Technologies Deposit Account No. 12-2325**.

Respectfully submitted,

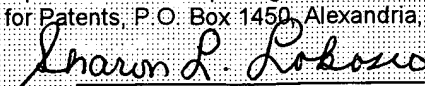
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By 

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Date: 4/8/05

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| I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Mail Stop <u>Patent Amendment</u> | |
| Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on <u>April 8, 2005</u> | |
|  Sharon L. Lobosco | Date <u>4/8/05</u> |